IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 13353 of 2004**

Between:

Guddeti Nagaiah, S/o. Peraiah,
R/o. Near Kothapatnam Bus Stand, Karuvadi Donka Road, Ongole,

Prakasham District.

**..... PETITIONER**

AND

1 The Commissioner of Endowments Endowment Department, Tilak Road, Hyderabad.
2 The Deputy Commissioner of Endowments OPP: Gunta Grounds, Guntur.
3 The Assistant Commissioner of Endowments Ongole, Prakasham District.
4 Kommori Muralikrishna, S/o. Venkateswarlu,
Opp: Ongole 2 Town Police Station, Ongole, Prakasham District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to declare the action of the respondents 1 to 3 in not taking any steps fro registering the Poleramma, Gangamma and Triuprasundari Temples situated at Annavarappadu Colony, Trunk Road, Ongole Town, Prakasam District as Religions Institutions under A.P. Charitable Hindu Religious and Endowments Act 1987, as illegal and unjust and consequently direct the respondents 1 to 3 to register the said temples as Religions Institutions and manage the affairs of the temple in accordance with the provisions of the Endowments Act by issuing appropriate Writ of Mandamus or direction.

**Counsel for the Petitioner:MR.M.V.S.SURESH KUMAR**
**Counsel for the Respondents 1 to 4: GP FOR ENDOWMENTS**

**The Court made the following :**

**ORDER:**

The petitioner claims to be a member of the families who have constructed three temples of Poleramma, Gangamma and Tripurasundari, situated at Annavarappadu colony, Trunk Road near Nellore Bus stand, Ongole Town, Prakasam District. The grievance of the petitioner is that the fourth respondent, who is one of the members of the family and has been supervising the affairs of the temples, failed to account the income and expenditure of the properties and he also allowed the people to encroach a portion of the temples land and as a result, valuable land was encroached by third parties. It is also stated that the temples are earning a sum of Rs. One lakh per year from hundi collections and rents and that inspite of the fact that the encroachments into the temples land were reported in local dailies, even the respondent authorities failed to take any action. It is further stated that the petitioner made complaints to all the concerned authorities bringing to their notice about the encroachments made by third parties and requesting to take necessary steps, but there was no response. One of such representations was made on 15.11.2002 to the respondents 1 to 3 requesting to take over the temples as well as lands by the department for proper maintenance. Since, there is no response, this writ petition is filed seeking a declaration that the inaction on the part of respondents 1 to 3 in initiating any action for registering the said temples under the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987, (for short, 'the Act') as arbitrary and illegal, and seeking a further direction to register the said temples as religious institutions and to maintain the affairs of the temples in accordance with the provisions of the said Act.

Since the only grievance of the petitioner appears to be that the respondents 1 to 3 failed to take steps in accordance with the statutory provisions for removing the alleged encroachments, I deem it appropriate to dispose of the writ petition with a direction to the respondents 1 to 3 to enquire into the affairs of the temples in

question and to ensure proper maintenance of the same in accordance with the provisions of the Act. The petitioner is also granted liberty to make a fresh representation furnishing all the necessary details within a period of four weeks from today. On such representation being made, the respondents 1 to 3 shall consider the same and pass appropriate orders in accordance with law, expeditiously.

With the above observations, the writ petition is disposed of. No costs.

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G. ROHINI, J.

13th August 2004

Tsr.

To

1 The Commissioner of Endowments, Endowment Department, Tilak Road, Hyderabad.
2 The Deputy Commissioner of Endowments OPP: Gunta Grounds, Guntur.
3 The Assistant Commissioner of Endowments Ongole, Prakasham District

4 Two CCs to Government Pleader for Endowments, High Court Buildings, Hyderabad. (OUT).

5 Two CD copies.